

IN THE CIRCUIT AND SUPERIOR COURT OF DUBOIS COUNTY

In the Matter of Dubois)
County Local Court Rules)

NOTICE OF PROPOSED AMENDMENT TO CURRENT RULE, ADOPTION OF NEW RULE, REQUEST FOR SUPREME COURT APPROVAL, AND FINDING GOOD CAUSE TO DEVIATE FROM ESTABLISHED SCHEDULED

The judges of the Dubois Circuit Court and Dubois Superior Court give Notice of proposed local rule amendment under Trial Rule 81 (B), and find good cause under Trial Rule 81 (D) to deviate from the schedule established by the Division of State Court Administration for amending local rules. The courts propose an amendment to the current rule on the appointment of a special judge in civil cases at **LR19-TR79 (H)-1** and propose a new rule on the appointment of a special judge in criminal cases at **LR19-CR2.2-1.5**.

Supreme Court approval is requested for this rule amendment and new rule. New language is shown by underlining and deleted language is shown by striking through.

Comments may be made on these proposals until **November 30, 2010** to: **Hon. William E. Weikert**, Dubois Circuit Court, or **Hon. Mark R. McConnell**, Dubois Superior Court, at One Courthouse Square, Jasper, IN 47546-3088, or by email at: dubcirtct@psci.net. or superior1@psci.net.

The **effective date** for the amended and new local court rules will be **January 1, 2011**.

DATED this 29th day of October, 2010.

_____/S/_____
William E. Weikert, Judge
Dubois Circuit Court

_____/S/_____
Mark R. McConnell, Judge
Dubois Superior Court

APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

Pursuant to Indiana Trial Rule 79(H), the Dubois Circuit Court and the Dubois Superior Court hereby adopt the following local rule for the appointment of a special judge upon approval by the Indiana Supreme Court.

1. In the event a Special Judge must be appointed under Trial Rule 79(H), the presiding judge shall reassign the case to the other judge in Dubois County, and if that judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of one of the following judges who have agreed to serve as a Special Judge in the Dubois Circuit Court and Dubois Superior Court from the following courts: ~~; shall be appointed, to-wit~~

Judge Lucy Goffinet (Perry Circuit Court)	<u>Perry Circuit Court</u>
Judge Wayne A. Roelle (Spencer Circuit Court)	<u>Spencer Circuit Court</u>
Judge R. Joseph Howell (Martin Circuit Court)	<u>Martin Circuit Court</u>
Judge Robert Arthur (Daviess Circuit Court)	<u>Daviess Circuit Court</u>
Judge Dean A. Sobecki (Daviess Superior Court)	<u>Daviess Superior Court</u>
Judge David O. Kelley (Warrick Circuit Court)	<u>Warrick Circuit Court</u>
Judge Keith A. Meier (Warrick Superior Court #1)	<u>Warrick Superior Court #1</u>
	<u>Warrick Superior Court #2</u>

2. Each Judge from the above list of judges shall be appointed on an equal number of cases. ~~The Dubois Circuit Court and Dubois Superior Court shall alternately select the Judge to be appointed, on a rotating basis, from the above list of judges; each Judge shall be appointed on an equal number of cases.~~

3. If no Judge specified under this rule is eligible to serve as Special Judge, or the particular circumstances of a case warrants selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. [Trial Rule 79(H) (3)]

LR19-CR 2.2 - 1.5

APPOINTMENT OF SPECIAL JUDGE IN CRIMINAL CASES

If the judge before whom a case is pending in the Dubois Circuit or Dubois Superior Court becomes disqualified from jurisdiction of a case pursuant to the Indiana Rules of Criminal Procedure, Rules of Procedure for Post Conviction Remedies, Recusal or the Code of Judicial Conduct, then the presiding judge shall reassign the case to the other judge in Dubois County, and if that Judge is ineligible to serve, then the presiding judge shall reassign the case by selecting the next judge in sequence from the list of judges of the following courts who have consented to serve:

Perry Circuit Court

Spencer Circuit Court

Martin Circuit Court

Daviess Circuit Court

Daviess Superior Court

Warrick Circuit Court

Warrick Superior Court #1

Warrick Superior Court #2

In the event a judge is not available for assignment from the list or the particular circumstances of the case warrant selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge pursuant to Criminal Rule 13(D).